IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No. 908 of 1990

For Approval and Signature:

HONOURABLE MR.JUSTICE A.L.DAVE
and
HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JAYANTIBHAI MOHANBHAI PATEL - Appellant
Versus
STATE OF GUJARAT – Respondent

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Appearance :
MR G RAMAKRISHNAN for Appellant :
MR HM PRACHCHHAK ADDL PP for Respondent :

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CORAM : HONOURABLE MR.JUSTICE A.L.DAVE
and
HONOURABLE MR.JUSTICE S.R.BRAHMBHATT
Date : 03/05/2006

ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE A.L.DAVE)

1.This appeal arises out of judgment and order rendered by Additional Sessions Judge, Surat on 11th September, 1990 in Sessions Case No. 73 of 1990 convicting the

appellant for an offence punishable under Section 302 of the Indian Penal Code and sentencing him to undergo RI for life and to pay fine of Rs.500/- and in default, to undergo RI for 3 months. The present appeal came to be admitted on 21st September, 1992 and bail was refused.

2. We are informed by learned Addl.P.P. Mr. Prachchhak that the appellant was murdered on 8th September, 1998 while he was released on furlough. We are also informed that for that incident, offence has been registered with Salabatpura Police Station of Surat vide CR. No. I.423 of 1998.

3. Since the appellant has expired and since no one has approached this Court till today, under proviso to Sub-section (2) of Section 394 of Criminal Procedure Code seeking leave to continue the appeal, the appeal would stand abated and is accordingly, disposed off. R&P to be sent back immediately.

(A.L. DAVE, J.)

(S.R.BRAHMBHATT, J.)

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